

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WWEX FRANCHISE HOLDINGS,
LLC

v.

CLINTON SQUADRONI

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CIVIL ACTION NO. 3:23-CV-0809-S

ORDER

Defendant Clinton Squadroni's Notice of Removal, filed April 17, 2023, appears to predicate subject-matter jurisdiction upon diversity of citizenship, 28 U.S.C. § 1332, but fails to allege properly the citizenship of Plaintiff WWEX Franchise Holdings, LLC.

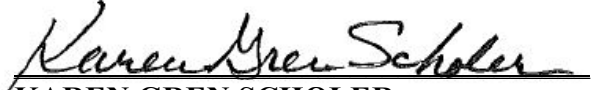
Defendant identifies Plaintiff as "a Delaware limited liability company." Notice of Removal [ECF No. 1] ¶ 7. Defendant goes on to allege that Plaintiff "does not have any members who are residents of Indiana." *Id.* Allegations regarding the citizenship of a limited liability company require "the citizenship of every member of [the] LLC." *Settlement Funding, L.L.C. v. Rapid Settlements, Ltd.*, 851 F.3d 530, 536 (5th Cir. 2017). And each member's citizenship must be alleged "*distinctly and affirmatively*"; allegations that a member is not a citizen of a certain state are insufficient. *See Getty Oil Corp. v. Ins. Co. of N. Am.*, 841 F.2d 1254, 1259 (5th Cir. 1988). To adequately allege Plaintiff's citizenship, Defendant must identify Plaintiff's members and distinctly and affirmatively allege each member's citizenship.

Until Defendant alleges Plaintiff's citizenship, this Court is not shown to have subject matter jurisdiction. *See Am. Motorists Ins. Co. v. Am. Emp'rs' Ins. Co.*, 600 F.2d 15, 16 (5th Cir. 1979). Accordingly, no later than 21 days from the date of this Order, Defendant must file an amended notice of removal that alleges diversity of citizenship, in conformity with 28 U.S.C. § 1332; otherwise, this action will be remanded to state court.

The Court has not specifically evaluated whether the Notice of Removal complies with N.D. Tex. Civ. R. 81.1. If Defendant is satisfied that the Notice of Removal complies with Rule 81.1 and that additional documents are unnecessary to address the defect identified in this Order, the amended notice of removal required by this Order need not also contain the documents required by Rule 81.1.

SO ORDERED.

SIGNED April 19, 2023.


KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE